

Notice of Allowability

Application No.

10/813,316

Examiner

Jason L. Lazorcik

Applicant(s)

GRZONKA ET AL.

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/2007.
2. ☒ The allowed claim(s) is/are 1,2,4-6,8-13,15-19,21-28,30-35 and 37-41.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/040,072.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Sherman on August 24, 2007 and September 4, 2007.

The application has been amended as follows:

In the specification, Page 1, lines 6-9, has been amended to read the following:

" This present application is a divisional patent application of and claims priority to and benefit of, U.S. Patent Application No. 10/040,072 now U.S. Patent 6,745,778, which claims priority to and benefit of German Patent Application No. 100 52 408.7, filed October 23, 2000."

In the Claims,

Claim 1, line 3 has been amended to read the following;

forming a cigarette rod on a cigarette machine [[a cigarette machine]]; and

Claim 12, lines 3, "a lit end" has been changed to -- an end --

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Claim 25, line 3, "a lit end" has been changed to -- an end --

Claim 30 has been amended to read the following;

30. (Currently Amended) The method of Claim ~~[[1]]~~ 28, wherein said hollow mandrel is held on a carrier drum rotating synchronously with said drum.

Claim 33, line 4, "a lit end" has been changed to -- an end --

Allowable Subject Matter

Claims 1, 2, 4-6, 8-13, 15-19, 21-28, 30-35, and 37-41 are allowed.

The following is an examiner's statement of reasons for allowance:

The reasons for allowance have been previously made of record in the Office Action dated March 21, 2007 and are here summarized.

As evidenced by the Hoffman (US 3,545,453) reference, the method of applying a fluid to the tobacco rod of a cigar or cigarette is well established in the art. Similarly, the application of this fluid while the cigarette is located upon the filter assembler of cigarette machine would represent a merely trivial extension of these teachings for one of ordinary skill in the art.

When viewed in light of Hoffman, the reference to Lakritz (US 3,732,872) renders obvious the limitations wherein a syringe is first penetrated through the length of the

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tobacco column and fluid is ejected into the cigarette while retracting said syringe from the column at an even rate of speed. Additionally, Kanki (US 3,837,378) teaches an apparatus for precision injection of fluid using a synchronously rotating needle arrangement which would have been presented an obvious approach for automating the tobacco injection.

While the prior art of record provide a number of approaches for injecting fluid into a tobacco column, none of the prior art teachings of record viewed either separately or in combination anticipate or render the claimed invention obvious.

As previously presented, The prior art provides ample precedent for devices and methods intended for injection of fluids into tobacco columns; see US 2,33,049 to Shapiro et. al., US4,233,995 to Kotuby et. al., US 4,120,309 to Brantl et. al., and German Patent DE 632,490. Specifically, none of these references either singly or in combination suggest or render obvious the positive step providing spiral grooves on the exterior of the injection needle and rotating said needle in opposing directions during insertion and extraction of the needle from the tobacco column.

The prior art reference to Alm et. al. (US 2,250,452) teaches a method of drilling out a central core of a cigar during which operation the drilling members are provided with a rotational motion during the piercing operation. Again, the instant reference is silent regarding any spiral groove structure on the exterior of the drill or in the opposing rotation during insertion and extraction of the drill from the tobacco column.

In view of the foregoing, it is therefore the Examiners position that the method for supplying a flowable medium to a tobacco rod of a smoking product using a hollow

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mandrel "with screw-like outer grooves" whereby said mandrel is "inserted into and extracted from the rod with auto-rotation in opposite directions for inserting and extracting" is patentable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L. Lazorcik whose telephone number is (571) 272-2217. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLL


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